

E-File: 6-16-2009

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## UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA

In re:

THE RHODES COMPANIES, LLC, aka  
 "Rhodes Homes, et al.,<sup>1</sup>

Debtors.

Case No.: BK-S-09-14814-LBR  
 (Jointly Administered)

Chapter 11

<sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

Affects:

☒

All Debtors

☐

Affects the following Debtor(s)

Hearing Date: June 5, 2009

Hearing Time: 1:30 p.m.

Courtroom 1

**NOTICE OF ENTRY OF ORDER**

**TO: ALL INTERESTED PARTIES:**

YOU ARE HEREBY NOTICED that an Order Granting Application Authorizing Debtors Pursuant to 11 U.S.C. § 327(a) to Employ Jeff Barcy as Financial Consultant *Nunc Pro Tunc* to the Petition Date [Docket No. 232], was entered on June 15, 2009. A copy of the Order is attached hereto.

**DATED** this 16th day of June, 2009.

**LARSON & STEPHENS**

/s/ Zachariah Larson, Esq.

Zachariah Larson, Bar No. 7787

Kyle O. Stephens, Bar No. 7928

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Entered on Docket  
June 15, 2009

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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Case No.: BK-S-09-14814-LBR  
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THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,<sup>1</sup>

Chapter 11

Debtors.

Affects:

- ☒ All Debtors  
☐ Affects the following Debtor(s)

Hearing Date: June 5, 2009  
Hearing Time: 1:30 p.m.  
Courtroom 1

**ORDER GRANTING APPLICATION AUTHORIZING DEBTORS PURSUANT TO 11  
U.S.C. § 327(a) TO EMPLOY JEFF BARCY AS FINANCIAL CONSULTANT NUNC  
PRO TUNC TO THE PETITION DATE [Docket No. 152]**

Upon consideration of the application (the "Application") to employ Jeff Barcy as financial consultant for the time period from March 31, 2009 through April 10, 2009 [Docket Number 152] filed by the Debtors,<sup>2</sup> the Court having reviewed the Application, the December 8, 2008 Engagement Letter and the Declaration of Jeff Barcy [Docket Number 153]; there having been no objection to the Application; the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and reference from the District Court pursuant to 28 U.S.C. § 157; (b) notice of the Application and the hearing on the Application was sufficient under the circumstances; (c) the Court having determined, to the extent of the record before it, that Jeff Barcy is a "disinterested person" pursuant to § 101(14) of the Bankruptcy Code; and (d) the Court having determined that the legal and factual bases set forth in the Application and the Barcy Declaration establish just cause for the relief granted herein;

**IT IS HEREBY ORDERED THAT:**

1. The Application shall be, and hereby is, GRANTED.
2. The Debtors are authorized to retain and employ Jeff Barcy as financial consultant for the time period from March 31, 2009 through April 10, 2009 at the expense of the chapter 11 estates, pursuant to section 327(a) of the Bankruptcy Code, Bankruptcy Rules 2014, 2016 and 5002 and the terms set forth in the Engagement Letter and Application, *nunc pro tunc* to the Petition Date.

<sup>2</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Application.

1           3.     Jeff Barcy shall file a first and final fee application in accordance with section 330  
2 of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and such other procedures as  
3 may be fixed by order of this Court. To the extent the first and final fee application is approved  
4 by this Court after notice and a hearing, Jeff Barcy shall be compensated for his services, and be  
5 reimbursed for any reasonable, related expenses.

6           4.     To the extent that his first and final fee application is approved by the Court after  
7 notice and a hearing, Jeff Barcy will apply the \$30,000 retainer he is holding against the fees and  
8 expenses he is awarded. The remainder shall be returned to the Debtors as soon as practicable.  
9

10          5.     This order is entered without prejudice to the rights of any party in interest,  
11 including the United States Trustee, to oppose Jeff Barcy's first and final fee application when it  
12 is filed on any appropriate grounds, including oppositions challenging Jeff Barcy's status as a  
13 "disinterested person." The Court shall retain jurisdiction to hear and determine all matters  
14 arising from or related to the implementation of this Order.  
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16                 DATED this 5th day of June 2009.  
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1 Submitted by:

2 By: /s/ Zachariah Larson

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10 zlarson@lslawnv.com

11 *Attorneys for Debtors*

12 APPROVED/DISAPPROVED:

13 By: 

14 August B. Landis, Assistant United

15 States Trustee

16 300 Las Vegas Blvd. S., Ste. 4300

17 Las Vegas, NV 89101

18 *Attorney for Sara L. Kistler, Acting*

19 *United States Trustee for Region 17*

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**LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:

NAME	DATE CONTACTED	AGREE	DISAGREE	NO RESPONSE
August B. Landis U.S. Trustee	06/08/09	<u>X</u>		

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